

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 30 2007

at 12 o'clock and 30 min. P.M.
SUE BEITIA, CLERK

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UNITED STATES DISTRICT COURT DISTRICT OF HAWAII

U.S.A.) Case NO: CR-05-00248 JMS.

(Plaintiff)) MOTION TO JUDGE MICHAEL SEABRIGHT FOR
SENTENCE ADJUSTMENT PURSUANT TO RULE 35 A
VS) OF POST SENTENCE PROCEDURES and a Affidavit

ROBERT SIGOUIN in support.

(Defendant)) by Robert Sigouin

UNITED STATES DISTRICT COURT DISTRICT OF HAWAII

Motion to Judge Michael Seabright for sentence adjustment pursuant to RULE 35A of post sentence procedures and affidavit in support in Case NO: CR-05-00248 JMS.

Comes now Robert Sigouin a lawful man on the land and Pro-Se Defendant in Case NO: CR-05-00248 JMS. I am addressing this matter for the following reason:

In Judge Seabright's words at sentencing "I believe Rosas Guerrero to be a credible witness." Her testimony under oath consistently says that she has no idea how much drugs she gave Bob (Mr. Sigouin) only that she gave Bob (Mr. Sigouin) more than Kevin (Mr. Cash). During her testimony under oath on the 23rd of March 2007 she again said that she ^{had no} idea how much drugs were delivered only that one time on a recent previous trip she once saw a scale but only saw the number 4 on it, only the number 4. Then the prosecutor led the witness into saying that she saw one zero thereafter more leading one more zero to which MR SIGOUIN objected and Judge Seabright sustained this objection. Anyone who has

ever used a digital scale knows that there is always a decimal point, so unless it displayed (402) and with wrapping could be 100 grams an amount consistent with \$10,000 she said she collected at that time. She also said the package measured approx $4\frac{1}{2}$ inches by 1 or $1\frac{1}{2}$ inches by 2 inches and there is no way a package this size could contain more than 100 grams. She also said previous packages were about half the size of that one. Later when determining the amount of drugs to enhance MR. SIGOURN Judge Seabright used the 400 gram amount in his determination. This is the same 400 grams the Judge Himself sustained the objection to.

Since Rosas Guerrero is according to the Judge and Government "credible" only the facts consistently proven can be considered: 1- She does not know how much drugs she delivered. 2- The one fact that could determine the amount of drugs the only one that is fairly consistent is how much money she collected. These amounts are \$18,000, then the \$10,000 this is the transaction she said included a scale. Then by her testimony ^{the} previous package was approx. half that size so lets assume \$6,000, \$5,000, \$5,000 and one \$2,500 add this to 295 grams MR. SIGOURN plead guilty to and you have a total of \$75,500. So even if MR. SIGOURN only paid \$100 per gram, and he paid more. this could only total 750 grams, minus 250 Your Honor deducted for personal use, leaves 500 grams of 68% purity. These amounts show a consistent ~~increase~~ increase or decrease in size each time which also makes sense.

Hence a maximum amount of 500 grams of a substance containing heroine or about 350 grams of heroine is the correct amount that can be determined by facts

in discovery and witness testimony. This could only be a two point enhancement if any and the offence level should be adjusted to 22 or at most 24.

If the Court should have other, recently submitted evidence that was used in determining this sentence, without disclosure of such evidence to Pro-se defendant Robert Sigouin, this evidence should not be used to determine his sentence, it's inadmissible.

I realize that in these complicated proceedings that even a Judge can make an arithmetical error and RULE 35A of Post Sentencing Procedures allows for such error to be corrected promptly, avoiding a costly appeal to the Ninth Circuit Court in San Francisco.

Therefore I Robert Sigouin Pro-se defendant respectfully request this Court to recognize this error and amend it please.

Dated March 27th 2007

Respectfully,
Robert Sigouin